

EXHIBIT 8
DATE 3-27-09
~~SB~~ 335

March 26, 2009

TO: House Business and Labor Committee
Bill Wilson, Chairman
Committee Members

FROM: Board of Physical Therapy Examiners
RE: SB 335, Prohibit professional board discrimination

The Board of Physical Therapy Examiners (BPTE) is opposed to SB 335.

The BPTE regulates the licensure and practice of physical therapy by enforcing statutes and rules which govern the practice of the profession. These statutes and rules protect the public, by governing the licensure of applicants, the scope of practice, the use of topical medications, unethical and unprofessional conduct, incompetence and negligence. The BPTE hears complaints regarding licensees' conduct, as well as licensees who have possibly violated the law. Sometimes, disciplinary action is required.

The BPTE does not discriminate against any person licensed by the Board with regard to how the law and rules are applied, and would never intentionally restrain trade or competition by a licensee. In fact, there are already laws obligating that the Board does not discriminate against a licensee.

However, SB 335 would present a problem if the BPTE were to discipline a licensee. Any disciplinary action by the BPTE could be construed as restriction of practice or trade.

Our Board met on March 25, 2009 and took a position against SB 335. None of the Board members will be able to attend the Business and Labor Committee meeting on March 27, 2009. Therefore, I have asked a staff member to make copies of this memo and deliver them to the Committee Secretary during the hearing.

Please contact me if I can be of any further assistance.



Richard L. Smith, PT, Chairman
Board of Physical Therapy Examiners
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Department of Labor & Industry
Helena, MT